



TOWN OF UXBRIDGE
BOARD OF SELECTMEN
Town Hall Room 102
21 South Main Street
Uxbridge, MA 01569-1851
508-278-8600 Fax 508-278-8605
town.manager@uxbridge-ma.gov

Jill R. Myers
Town Manager

MEMORANDUM

TO: Honorable Board of Selectmen

FROM: Jill R. Myers, Town Manager

DATE: August 24, 2006

SUBJECT: Town Manager's Report for the BOS Meeting of August 28, 2006

Lavallee Land Purchase Update: I met with Mr. and Mrs. Lavallee on 8/23 along with DPW Supt. Bombara. While the newspaper headline noted the deal was off; that is not the case. Only the proposed gravel permit had been withdrawn for reasons stated on 8/14. Once Attorney Cove provides an updated Purchase and Sale Agreement as he stated he would, the negotiations process will resume. I reported the same to the School Building Committee on 8/23 and the School Superintendent discussed it with the School Committee on 8/22.

The Habitat:

1. Zoning: I received a memo from the Building Inspector/ZEO. He noted that he verified the office has no records of any violation notices issued to the Habitat since the permit was issued in 1997, other than the recent complaint filed. He provided excerpts from the Handbook of MA Land Use and Planning Law regarding MGL Ch 40A, Section 7 regarding the six year statute of limitations - any action relating to an alleged violation must be initiated within six years from the date of permit issuance. This permit dated September 18, 1997, was issued for the 200' X 300' (7,000 sf) one story indoor recreational center. The Site Plan dated June 18, 1997 indicates the size and location of the building foot- print uses to be located within, and the sewage disposal lay-out. The occupancy permit was signed by then Building Inspector Hector Girouard on January 1998. Due to the statute of limitations, we have sought an interpretation from Town Counsel regarding our interpretation and expect to receive a response soon. The other issue to explore relates to the Alcohol License. According to the Zoning Bylaw, "any Day Care, Lounge, Malt or Liquor license, or any use determined to be of similar nature, said decision is to be made by the ZBA following petition of the land-owner or owners." We are working to research the initial Alcohol License approved by the BOS. At this time, it appears there is no ZBA decision for this structure or use and there are no permits on file that indicates that the building has two floors.

2. Noise complaint received by a resident in Citizen's Forum. An Entertainment License has been issued to the Habitat. Town By Laws, section XVI, number 1, dealing with Entertainment licenses states that "All entertainment shall be conducted that no unreasonable or unnecessary noise shall be audible upon the sidewalk adjoining the licensed premises or upon any abutting premises." The Building Inspector/ZEO and Police Chief agree that since the Habitat has an Entertainment license, they would be subject to enforcement under this regulation. The problem however, is that there is not a specific standard enumerated regarding decibel levels and the Town has no equipment with which to measure noise levels. The only other mention of noise considerations is in section XXXI, sub-section C.2.p.2.b.i, which states that impacts on off-site noise or light impacts need to be considered and in section XXXI, sub-section D.6 which states that the Planning Board shall review site plans and supporting materials, taking into consideration Nuisance, or "Protection of abutting properties and town amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, storm water runoff, etc."

You may recall that Chief Freitas advised the Board in his response to the original complaint that there had only been one record of a complaint against the Habitat going back to February 2006. It is suggested that the resident contact the Police Department when she observes a parking, traffic and or noise problem in the area. A letter has been forwarded to the resident.

Morrison Street Gate: After consultation with the Asst. DPW Director, Fire Chief, Police Chief, and School Business Manager, it was decided to open the Morrison St. gate at the High School parking lot beginning 8/28. The purpose is to help streamline the flow of traffic into and out of the high school for cars and try to minimize the traffic on Mendon Street during construction. This is being done on a trial basis but we believe it will be effective. Commuters will be advised that abuse of this by excessive speed, screeching tires etc., will result in closing of the gate. Any complaints regarding inappropriate driving behavior when school is getting in or out should be directed to the Police Department. We are not at this time encouraging the school buses to use this route into the High School lot.

Master Plan Meeting; Planning Board: On 8/16, the Planning Board held a special meeting and invited Professor Mullin of UMASS Amherst Graduate School and his partner Zenia Kotval to discuss the Master Plan process. They noted difference approaches to a Master Plan involving much citizen participation – consultant would be the facilitator, and the citizen committees and Town Planner to draft a plan (which is their approach) or hiring a consultant to do everything. The process would likely take two years to complete to develop the plan and then continues with its implementation. Steps include: collecting data - regional trends, school enrollment; examining infrastructure; visioning process/charettes; setting goals and objectives; propose zoning reform; and finalize a capital improvement program. The Master Plan project costs could range from \$50,000 to \$120,000 depending on the approach. The Planning Board Clerk is working on detailed minutes of the meeting which will be forwarded. Megan DiPrete from the Blackstone Valley Chamber of Commerce was also present. She and I had discussed resources offered by the Chamber. She is a former Town Planner and has good insight into the Master Plan process. She is also familiar with the new MGL relating to permit stream-lining and has offered to facilitate a meeting for the BOS and Planning Board.

Meeting with Town Counsel – Len Kopelman: On 8/22, the Finance Director and I met with Attorney Kopelman to confirm our understanding of the proposed retainer, confirm Attorneys appointed to the Town, and issues that the firm had previously opined on that need further clarification (at no cost to the Town). A follow-up call will be made to the Chairman. We also noted that access to Town Counsel may only be made through the Town Manager or BOS Chairman, or the BOS Vice Chairman in the Chairman's absence. My office will redistribute the Request for Counsel form as well.

Quaker Condos: The Town has been providing temporary water service since March due to a failed steel holding tank that fed the buildings. Quarry Hill Excavation is doing the work. Permanent service (Town water) will be available likely at the end of next week.

Blackstone River Bikeway Project: The DPW Supt. and I attended a task force meeting at Mass Highway Dept. in Boston. The drawings are at 25% and we have noted concerns with easements and takings, mostly with segment 3. Public Hearings on the overall project may be held in the next month or two. Mark C. Jewell, Outdoor Recreation Planner National Park Service John H. Chafee Blackstone River Valley National Heritage Corridor, would like to make a brief (15 minute) presentation to the BOS at the meeting of 9/25.

Mill Updates: The meeting with Mr. Josephs has been postponed to September when we expect to have a full Planning Board available to consider the project. I hope to meet with him prior to/or post PB meeting and invite other pertinent Town Boards and the Army Corp of Engineers to discuss the project work and timeline. I will send out a notice once I connect with Mr. Josephs.

On 8/10, I received an email from Nick Deane noting that the Governor has signed the legislation that allows the Blackstone River & Canal State Park to share parking with a redeveloped Stanley Woolen Mill long-term. According to the email, "the remaining step to solve that knotty problem of assuring enough parking for when we fill the mill's 100,000 square feet in the final phase is negotiating the agreements themselves with the Department of Conservation and Recreation. We have some time, since we have enough parking until we have filled the first two floors, which are two-thirds of the mill's usable space. That should be around three years from now. On the project itself, I have just executed a \$250,000 contract for removing all the asbestos and paint inside the buildings and that work began last week. Now to find a replacement for the historic window repair contractor, and get the outside appearance to reflect the \$750,000 we have invested in hidden work like sprinklers and roofs."

Follow-up on complaint – Rosenfeld property (Building Inspector): Following a memo submitted by Irving Priest on 5/13/06, the Building Inspector conducted an inspection of the property which contained junk automobiles. Upon re-inspection on 8/16, the Building Inspector/ZEO found the site to be clean: no junk cars remain.

Blanchard Project: The contract with Durland Van Voorhis has been signed and executed. Charlie Van Voorhis has held two workshops with the Blanchard Reuse Committee; last one was 8/23 and has independently begun to further explore the building with Engineers. In addition, quotes from professional painting companies are in the process of being compiled to determine whether or not it would be cost-effective to have the Sheriff's Department complete the exterior

painting job or to contract it out. No work can be done until we receive the written determination from OSHA which is still pending.

The Re-Use Survey responses are being compiled. On 8/23, the Architect noted the difficulties with deciding programmatic needs (mixed municipal uses) - what services to locate to the Blanchard Building in addition to School Administration and Cable Studio. Suggestions included a museum, Inspectional Services Dept, meeting rooms, and records retention (self monitored or staffed). He noted that if the project moves forward without a logical foundation addressing recognizable and real town needs, the chances of success at town meeting (or more importantly a special election) will be lower. The role of the Committee was discussed and while the BOS will ultimately decide with input from the Town Manager, based on recommendation from the Committee, the Committee can facilitate discussions on deciding how the town departments are arranged or rearranged. It was noted that coming up with compelling needs like safe and accessible town record storage, additional meeting spaces, room for the school administration is a good start, there will need to be more to justify the anticipated renovation cost. The next meeting is scheduled for 9/18.

Fall Town Meeting: We have received several Street Acceptance requests for the warrant as well as a land donation request which was carried over from the Spring Annual Town Meeting. Joe Smith will be working with the Town Planner to execute the Street Acceptance Hearing Policy and schedule the lay-out hearings. However, the Town Planner informed me that staff may request an amendment to the Policy regarding application submittal dates. The Finance Director will be reviewing the land donation request to form a recommendation on the acceptance of the parcel. It is scheduled for the BOS to open the Fall Annual Town Meeting warrant on 9/11/06.

Audits: The FY05 and 06 onsite work audit was conducted during the week of 8/14/06. For the FY05 audit which will be completed soon, the Auditors will present the final audit report to the BOS.

Upper Town Hall/Basement: The modular panels are in the process of being installed. Staff is working to organize the basement file boxes and ways to mitigate the moisture.

Continued Maintenance Improvements to Town Hall: Staff is in the process of obtaining quotes to maintain the refinishing job that was completed on the hardwood floors in the BOS Office and Lower Town Hall. In addition, the tile floors in the entry way leading down to the Treasurer's Office have been stripped, waxed and polished. We are continuing to address needs and requests as they arise.

Senior Center Benefit/Tag Sale: The contents of the building next to the Senior Center (former thrift shop) have been graciously donated to the Town so that we may move forward with the process of emptying the building for storage of items to be auctioned in the fall. On 9/9/06 from 9-1, a Benefit Sale will be held out of this building to attempt to empty the building while raising funds to benefit the Senior Center.

Website Updates: Staff has been working closely with the Website Committee to update the contents of our Town website. Average monthly "hits" to our website exceed 40,000. We are in

the process of developing a survey which will be posted to the website, asking users about its content, format, and features. In addition, the Website Committee would like to have all committees submit electronic versions of their meeting minutes, once approved, to be posted on the site. Staff is in the process of reviewing the list of committees and contacting their respective Chairs to ask for their cooperation in this process. We are also looking into software to create PDFs (non-changeable documents) at the point of origination – by staff, versus having the web committee do this task.

BOH; No Blast Zone: A developer requested that the Board of Health rescind a regulation of a “no blast” zone off of East Street near the intersection of Albee Road. In 1991 the BOH had issued the regulation within 2500 foot radius for an indefinite period of time from the junction of Kempton Road and the Millville town line in response to a hazardous waste release in Millville. On 8/15, I convened a staff level meeting with representatives from the BOH we discussed the contamination issue and concerns if the regulation was raised; if the Town would be held responsible by permitting blasting or similar process if the plume was to migrate. It was suggested that we also meet with the Millville representatives to inquire about follow-up testing results and if they permitted blasting in that same area. That meeting occurred on 8/24. It is expected that Millville BOH will impose a similar “No Blast” zone regulation and a joint BOH letter will be forwarded to the DEP requesting the continuation of “long-term monitoring” as noted in the DEP letter to the Town of 10/23/91.

Bylaw Codification project: Comments are due to the Bylaw Review Committee by 8/31/06.

Collective Bargaining:

- Town Hall/Dispatchers Unit: The SEIU contract was ratified by the union on 8/19/06.
- DPW: Negotiations are scheduled to resume on 8/29.